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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Olivier Bureller

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EXAMINER

BROCKMAN, ANGEL T

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,889	<b>Applicant(s)</b> BURELLER, OLIVIER	
	<b>Examiner</b> ANGEL BROCKMAN	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claims 2-6 is objected to under 37 C.F.R. 1.75 because of the following informalities:

Regarding **claims 2-6**, line 1 reads "The method of management as claimed in claim 1." The line seems to refer back to claim 1, line 1 "A method for monitoring." If this is true, it is suggested to change either claims 2-6 to read "The method for monitoring," or to change claim 1 to read "A method of management."

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki ( US 2002/0047862 A1).

Regarding **claim 1**, Aoki discloses at the level of the device desiring to be monitored : emission by the device being monitored of data packets on a specified isochronous channel in response to the signal emitted regularly by the network (figure 1, ¶[0053], ¶[0178], where the channel number specifies the channel, ¶[0075], where the where the device desiring to be monitored is node A, ¶[0178]); at the level of the second device : reception of data packets on a specified isochronous channel (¶[0075], where node B is the second device that receives the packet, ¶[0178]); execution of a specified task, consequent upon the absence of packets on the

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isochronous channel between at least two emissions of synchronization signals (figure 23, where the execution of a specified task is given in the setting of the error display; the error display is empty after emission of the two synchronization signals(fig.21, the at least two emissions are set out in the process of detecting since there are feedback).

Regarding **claim 2**, Aoki discloses wherein it comprises at the level of the first device a step of emission of a monitoring request containing an identifier of the isochronous channel transmitting the packets and a task descriptor (¶[0075] where the first device is node A, figure 14 where the monitoring request is included in the command ,figure 23, where the task is the a).

Regarding **claim 3**, Aoki discloses the monitoring request specifies a number of synchronization signals: The second device executing the specified task when no data packet has been detected on the isochronous channel following the detection of the specified number of synchronization signals(figure 21).

Regarding **claim 4**, Aoki discloses emission by the second device of a handling signal following the reception of the monitoring request (figure 14, where the handling signal is the ACK following the control transaction request).

Regarding **claim 5**, Aoki discloses the specified task comprises the display of an alert message comprising an identifier of the first device(figure 24).

Regarding **claim 7**, Aoki describes a network device charged with monitoring the state of at least on other device of the network(figure 15, ¶[0075]-¶[0077], where the target device monitors the control device), comprising a means of receiving by a network synchronization signals allowing the emission of isochronous data and isochronous data packets emitted on a

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specified isochronous channel of the network' it furthermore comprises a means for executing a specified task consequent upon the absence of receiving of data packets on the isochronous channel between at least two emissions of synchronization signals, the absence of packets being indicative of the state of the device being monitored (figure 21, figure 23). The two emissions of synchronization signals is in the bus reset check..

Regarding **claim 8**, Aoki discloses a means for receiving a monitoring request containing the identifier of the isochronous channel transmitting the packets on the isochronous channel between at least two emissions of synchronization signals, the absence of packets being indicative of the state of the device being monitored (figure 23).

Regarding **claim 10**, Aoki discloses a means for emitting a handling signal following the reception of a monitoring request (figure 14, where the target sends an ACK which is the handling signal to the controller).

Regarding **claim 11**, Aoki discloses a means for emitting a handling signal following the reception of a monitoring request (figure 14, where the handling signal is the ACK following the control transaction request).

4. Regarding **claim 12**, Aoki discloses a means for disabling the handling of a monitoring request, activated when the reception means with the network senses a signal for handling the request by another device of the network. (¶[0151], where the bus reset includes disabling the monitoring request)

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***Claim Rejections - 35 USC § 103***

1. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al.(US 2002/0047862 A1, hereinafter Aoki) in view of Morita et al. (US 6,310,859 B1, Morita).

Regarding **claim 6**, Aoki discloses the specified task comprises a step of analysis for the stoppage of the emissions of data packets(figure 21). Aoki does not disclose a step of executing actions to resume the emission of data packets. Morita discloses a step of executing actions to resume the emission of data packets(column 12, lines 43-52, where the resource manager monitors and changes conditions to reestablish communications). Thus, it would have been obvious to one of ordinary skill in the art to utilize the system as disclosed by Aoki and Morita. The resource manager as disclosed by Morita can be implemented into the node as disclosed by

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Aoki through software or hardware implementation. The motivation for utilizing the resource manager as disclosed by Morita in the system as disclosed by Aoki is to re-establish communication in the network.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al.(US 2002/0047862 A1, hereinafter Aoki) in view of Sugihara (US 6,249,322 B1, hereinafter Sugihara)

Regarding **claim 9**, Aoki discloses the network device as claimed in claim 8, wherein the monitoring request received specifies a predetermined number of synchronization signals and in, the specified task being executed when no packet has been detected on the isochronous channel (figure 21, figure 23). Aoki does not disclose that it comprises a counter of synchronization signals or the detection of the specified number of synchronization signals. Sugihara discloses a counter of synchronization signals and the detection of the specified number of synchronization signals (figure 2, column 10, lines 10-21). Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the counter and detection of synchronization signals as disclosed by Sugihara along with the system as disclosed by Aoki. The system of Aoki can be implemented through software and hardware implementation to include detection of a predetermined amount of synchronization signals and a counter as disclosed by Sugihara. The motivation for utilizing the counter and detection as disclosed by Sugihara along with the system of Aoki is to provide control for communications in the network.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jen ( US 6,738,943 B1 ) , Staats et al.(US RE39,763 E), and Katayama et al.(US 2002/0041547 A1).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGEL BROCKMAN whose telephone number is (571)270-5664. The examiner can normally be reached on Monday-Friday ,7:30-5:00pm.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANGEL BROCKMAN  
Examiner  
Art Unit 2416

/A. B./  
Examiner, Art Unit 2416



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/Derrick W Ferris/

Supervisory Patent Examiner, Art Unit 2416